

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHANNEL AWEAU, individually, and on behalf of all others similarly situated,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
COMCAST CABLE COMMUNICATIONS, LLC,	:	
	:	
Defendant.	:	NO.
	:	

NOTICE OF REMOVAL

Defendant Comcast Cable Communications, LLC (“Defendant”) hereby removes this action from the Philadelphia Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania. In support of this removal, Defendant states as follows:

1. This action was commenced on November 4, 2021, when Plaintiff Channel Aweau (“Plaintiff”) filed a Complaint against Comcast Corporation in the Philadelphia Court of Common Pleas, case number 211100417 (the “State Court Action”).
2. On December 3, 2021, Plaintiff filed an Amended Complaint against Defendant in the State Court Action.
3. On December 3, 2021, Defendant was served for the first time with the Amended Complaint in the State Court Action. Copies of all process, pleadings, and orders served upon Defendant are filed with this Notice, attached collectively as Exhibit A.

4. Defendant now removes the State Court Action to the United States District Court for the Eastern District of Pennsylvania, which embraces the Philadelphia Court of Common Pleas where the State Court Action is pending. *See* 28 U.S.C. § 1441(a).

5. Removal of the State Court Action to this Court is proper under 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331 because Plaintiff's sole claim in the Amended Complaint is under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA"), a statute of the United States, and this Court thus has original federal question jurisdiction over this action. *See Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368 (2012) (TCPA claims fall within original federal question jurisdiction of district courts).

6. This Notice of Removal is timely under 28 U.S.C. § 1446(b) in that it is filed within 30 days from the date Defendant was served with a copy of the Amended Complaint in the State Court Action. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 351–52 (1999).

7. Defendant will give prompt written notice of the filing of this Notice to counsel for Plaintiff and will file a copy of the Notice of Removal with the Prothonotary of Philadelphia County Court of Common Pleas, as required by 28 U.S.C. § 1446(d).

8. By removing the State Court Action to this Court, Defendant does not waive any defenses, objections, or motions available to it under state or federal law. Defendant expressly reserves the right to move to dismiss or for judgment in favor of Defendant pursuant to Rules 12 and 56 of the Federal Rules of Civil Procedure, to strike or oppose certification of any putative class pursuant to Federal Rule of Civil Procedure 23, and to move to compel arbitration of Plaintiff's claims pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1–16.

Respectfully submitted,

Dated: December 31, 2021

/s/ Seamus C. Duffy
Seamus C. Duffy (ID No. 52501)
Julie A. Busta (ID No. 311933)
AKIN GUMP STRAUSS HAUER & FELD LLC
1735 Market Street
12th Floor
Philadelphia, PA 19103

*Attorneys for Defendant
Comcast Cable Communications, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2021, I caused a copy of the foregoing Notice of Removal to be served on the following by first class mail, postage prepaid:

Eric H. Weitz, Esq.
Max S. Morgan, Esq.
THE WEITZ FIRM, LLC
1528 Walnut Street, 4th Floor
Philadelphia PA 19102

Attorneys for Plaintiff

/s/ Seamus C. Duffy
Seamus C. Duffy